

UNITED STATES DISTRICT COURT

for the
Western District of North Carolina

United States of America

v.

)

) Case No: 0419 5:10CR00005

Jovo Vargas Nunez

) USM No: 24722-058

Date of Original Judgment: January 9, 2012

)

Date of Last Amended Judgment:

) Douglas Roberts

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)AND NOW, this 6th day of July, 2015,

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction of sentence pursuant to Amendment 782 to the Sentencing Guidelines, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 132 months is reduced to 121 months.

If the amount of time the defendant has served as of November 1, 2015, exceeds the reduced sentence stated in this Order, the sentence is instead reduced to a sentence of time served as of November 1, 2015.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Original Offense Level: 33Amended Offense Level: 31Criminal History Category: IICriminal History Category: IIOriginal Guideline Range: 151 to 188 monthsAmended Guideline Range: 121 to 151 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is comparably less than the amended guideline range.
- The reduced sentence is above the amended guideline range.
- Amendment 782 is subject to a Special Instruction at USSG §1B1.10(e)(1) that reduced sentences shall not take effect until November 1, 2015, or later. Since this defendant's projected GCT release date is, Amendment 782 is not applicable in this case.
- The Reduced sentence is based upon Amendment 750 782
- Other (explain): Pursuant to USSG §1B1.10(b)(2)(A), if the previous sentence was a variance from the previous guideline range, the term of imprisonment cannot be reduced to less than the minimum of the amended guideline range.

III. ADDITIONAL COMMENTS

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Office prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Resident Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Office.

Except as provided above, all provisions of the judgment dated January 10, 2012 shall remain in effect. **IT IS SO ORDERED.**

Order Date: July 14, 2015

Signed: July 14, 2015

Effective Date: November 1, 2015
(if different from order date)


Richard L. Voorhees